

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff,

V.

Ari Teman, Defendant.

Case No. 1:19-cr-00696)

**MOTION TO RECUSE JUDGE PAUL A. ENGELMAYER IN LIGHT OF IMPEACHMENT,
PUBLIC COMMENTS BY AG BONDI, ELON MUSK, PRESIDENT TRUMP, VICE PRESIDENT VANCE**

INTRODUCTION

Defendant Ari Teman respectfully moves for the recusal of Judge Paul A. Engelmayer from presiding over the above-captioned matter. This motion is grounded on the assertion that recent high-profile statements and actions by prominent government officials, including President Donald J. Trump, Vice President JD Vance, Attorney General Pamela Bondi, and Presidential Appointee Elon Musk, have publicly criticized Judge Engelmayer's impartiality and called for his impeachment.

This case has become a material part of the impeachment process against Judge Engelmayer, and the Defendant a party and likely fact witness before Congress against Judge Engelmayer. Already, Executive Branch officials others have cited publicly, and upon information and belief, are integrating allegations made against Judge Engelmayer by law professors, legal experts, and community leaders regarding this case. This includes the 24 Rabbis who publicly called for Judge Engelmayer of antisemitism for fabricating lies about Judaism and fabricating evidence (Dkt 321-1)

Additionally, articles of impeachment have been filed against Judge Engelmayer in the House of Representatives allege "high crimes" including abusing his position for personal gain. These developments raise substantial questions regarding the judge's ability to remain impartial in this proceeding.

Because Teman has been drawn into being a public adversary of Judge Engelmayer in a Congressional Impeachment case, with years-old posts requesting a pardon being brought to the forefront of a discussion involving millions of voters, and because the lead attorney in this matter for the United States, the Attorney General of the United States, Pamela Bondi, has conceded on television that Judge Engelmayer is corrupt and worthy of impeachment, and because she is bound to follow the direction of the Chief Executive of the United

States, President Trump, who has declared Judge Engelmayer to be corrupt and worthy of impeachment, she cannot now come before the court and argue otherwise.

Given both parties in this matter concede Judge Engelmayer is "corrupt" and commits crimes including but not limited to ex parte collusion to violate civil rights (42 U.S. Code § 1985) to benefit his personal interest, recusal is required.

ARGUMENT

1. Public Statements Questioning Impartiality

A. Vice President JD Vance's Comments

Vice President JD Vance has called Judge Engelmayer's behavior "illegal":

<https://x.com/JDVance/status/1888607143030391287>

B. President Trump's Criticism

President Trump has accused "highly political judges" of obstructing his efforts to overhaul the federal government, suggesting that such judges are attempting "to slow down, or stop" his plans.

Citeturn0news23

<https://www.thetimes.com/us/american-politics/article/donald-trump-lashes-out-truth-social-elon-musk-083qpsld8?region=global>

C. Elon Musk's Call for Impeachment

Elon Musk, appointed by President Trump to lead the Department of Government Efficiency (DOGE), publicly referred to Judge Engelmayer as "a corrupt judge protecting corruption" and demanded, "He needs to be impeached NOW!"



Elon Musk   @elonmusk · Feb 9
A corrupt judge protecting corruption.

 ...

He needs to be impeached NOW!

 Glenn Beck  @glennbeck · Feb 9

Let me see if I have this right. The Treasury Secretary CANNOT access any data from the treasury? Wow. Who is afraid the secrets are coming out. This judge was not elected nor was he given the mandate by the people. Enough is enough. WE THE PEOPLE demand x.com/amuse/status/1...

[Show more](#)

 Rate proposed Community Notes 

8.3K

41K

193K

20M

 

<https://x.com/elonmusk/status/1888485948121366871>

Elon Musk has liked and promoted a post by Defendant Ari Teman sharing allegations of corruption made by a 3rd party regarding this matter:



Elon Musk liked your reply

Paul Engelmayer has been deeply corrupt for years. @elonmusk is right, and dozens of legal experts and community leaders agree. ...

D. Senator Tom Cotton calls Engelmayer an outlaw:



Tom Cotton
@SenTomCotton

...

Outrageous. Obama Judge Paul Engelmayer didn't just bar [@elonmusk](#) and [@doge](#) from Treasury systems, he barred the Secretary of the Treasury himself. Without citing a single law or even allowing Trump admin to appear in court! **This outlaw** should be reversed immediately and Engelmayer should be forbidden by higher courts from ever hearing another case against the Trump admin. wsj.com/us-news/law/fe...

Rate proposed Community Notes

11:12 PM · Feb 8, 2025 · 6.7M Views

16K

38K

146K

3K

<https://x.com/SenTomCotton/status/1888335201652314487>

2. Articles of Impeachment Filed

On February 18, 2025, Representative Derrick Van Orden introduced House Resolution 143, initiating impeachment proceedings against Judge Engelmayer for "high crimes and misdemeanors." The resolution alleges judicial misconduct and abuse of judicial authority. (

https://www.congress.gov/bill/119th-congress/house-resolution/143/text/ih?format=xml&overview=close_d)

"Judge Paul Engelmayer has **abused his judicial office by using his authority to further personal or political interests**, contrary to the constitutional responsibility to apply the law impartially, including the improper handling of this case in a manner that demonstrates favoritism or undue influence, undermining the fundamental principles of justice."

Articles of Impeachment were also proposed by Rep Eli Crane:



Rep. Eli Crane  
@RepEliCrane



...



I'm drafting articles of impeachment for US District Judge Paul Engelmayer.

Partisan judges abusing their positions is a threat to democracy.

The left has done “irreparable harm” to this country. President Trump and his team at [@DOGE](#) are trying to fix it.

 Rate proposed Community Notes 

4:46 PM · Feb 11, 2025 · 1.8M Views

 7.4K

 20K

 82K

 1K



3. Teman is a fact witness in a criminal proceeding against Engelmayer

Teman has now become a witness and/or party in the impeachment proceedings and against Judge Engelmayer, as have attorneys for Teman. This adversarial relationship against Teman puts Teman at severe risk of retaliation and harm by Engelmayer. This is not mere speculation as DOGE head Elon Musk has liked and thus promoted allegations of corruption by Mr. Teman against Paul Engelmayer on X, as have other Government officials and pundits and legal experts.

As well, Teman has been cited by others involved in the impeachment of Judge Engelmayer due to the evidence Teman surfaced about Engelmayer’s regular ex parte calls to prosecutors (Dkt 326-1) to assist one party versus another.

Teman and Engelmayer are therefore public adversaries in a matter before Congress and in matters outside of this case. Millions of people are seeing this and sharing it, even issues completely outside US v Teman, such as the shockingly high number of Jeffrey Epstein cases Judge Engelmayer has taken -- suggesting that there was “judge shopping” in those cases as there was in the DOGE matter which triggered Judge Engelmayer being impeached.

The accusations of “Judge Shopping” and ex parte coordination by Judge Engelmayer have been highlighted by members of the Judicial branch with oversight and leadership roles in the DOJ (Even Mr. Musk now has oversight, as DOGE has a DOJ division and/or X intake).

Teman is a fact witness or potential fact witness in criminal proceeding against Judge Engelmayer, and thus Judge Englemayer cannot remain a judge in a case against Teman.

LEGAL STANDARD

Under 28 U.S.C. § 455(a), a judge must recuse himself in any proceeding in which his impartiality might reasonably be questioned. The standard is whether a reasonable person, knowing all the facts, would question the judge's impartiality. The Second Circuit has held that even the appearance of partiality requires recusal to maintain public confidence in the judiciary.

DISCUSSION

The convergence of public denunciations by high-ranking officials and the formal initiation of impeachment proceedings creates an environment where Judge Engelmayer's impartiality might reasonably be questioned. The public nature of these statements and actions could lead a reasonable person to doubt the judge's ability to adjudicate this case without bias, thereby undermining public confidence in the judicial process.

CONCLUSION

For the foregoing reasons, Defendant Ari Teman respectfully requests that Judge Paul A. Engelmayer recuse himself from this case to preserve the integrity of the judiciary and ensure a fair and impartial proceeding.

s/Ari Teman

Pro Se

19 Feb 2025

22nd of Sh'vat, 5785

CERTIFICATE OF SERVICE

I hereby certify that on 19 Feb 2025, a true and correct copy of the foregoing Motion to Recuse was served upon all counsel of record and AG Pamela Bondi via the Court's electronic filing system.

CC: Alex Spiro, Attorney for Mr. Musk

JD Vance calls Judge Engalmayer's actions "illegal":



If a judge tried to tell a general how to conduct a military operation, that would be illegal.

If a judge tried to command the attorney general in how to use her discretion as a prosecutor, that's also illegal.

Judges aren't allowed to control the executive's legitimate power.

 Rate proposed Community Notes



5:13 PM · Feb 9, 2025 · 63.2M Views

 28K

 66K

 318K

 6.7K



<https://x.com/JDVance/status/1888607143030391287>

Senator Tom Cotton calls Judge Engelmayer an “outlaw”:



Tom Cotton  
@SenTomCotton



...

Outrageous. Obama Judge Paul Engelmayer didn’t just bar [@elonmusk](#) and [@doge](#) from Treasury systems, he barred the Secretary of the Treasury himself. Without citing a single law or even allowing Trump admin to appear in court! **This outlaw** should be reversed immediately and Engelmayer should be forbidden by higher courts from ever hearing another case against the Trump admin. wsj.com/us-news/law/fe...

 Rate proposed Community Notes 

11:12 PM - Feb 8, 2025 - **6.7M** Views

 16K

  38K

 146K

 3K



<https://x.com/SenTomCotton/status/1888335201652314487>



Elon Musk ✅ X @elonmusk · Feb 8

X ...

This is an activist posing as a judge



@amuse ✅ @amuse · Feb 8

LAWFAR: In an egregious and unconstitutional assault on executive authority, Judge Paul Engelmayer has unilaterally forbidden all of Trump's political appointees—including Treasury Secretary Scott Bessent—from accessing Treasury Department data. This ruling, concocted without

[Show more](#)

AMUSE X

X Q



POLITICS

OBAMA JUDGE BANNED TREASURY SECRETARY BESSENT FROM ACCESSING HIS AGENCY'S DATA

Federal Judge Paul Engelmayer ordered that President Trump and each of his appointees were forbidden from accessing Treasury Department data without even allowing the president's lawyers to appear or comment.

SUBSCRIBE TO AMUSE X

ACCURACY CONFIDENCE LOW

H66900E34218



Rate proposed Community Notes



22K

43K

167K

12M

B ↑

4.

<https://x.com/elonmusk/status/1888315706598731904>